

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GARDEN CITY BOXING CLUB, INC.

Plaintiff,

-against-

JOA, INC d/b/a DICEY'S

Defendant

07-CV-08074 (RJS)

STIPULATION

WHEREAS, a Complaint has been filed by the above referenced Plaintiff with the United States District Court, Southern District of New York on the instant matter.

WHEREAS, the time for the Defendant to file an Answer has expired.

WHEREAS, the parties have appeared by their respective attorneys on this matter and desire to extend the Defendant's time to file said Answer.

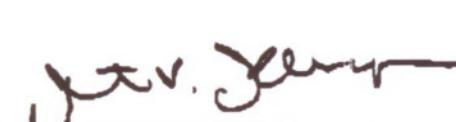
**IT IS THEREBY AGREED BY AND BETWEEN THE PARTIES AS  
FOLLOWS:**

The Defendant shall file an Answer in this matter by February 8, 2008, and

The Plaintiff agrees that this Honorable Court is the proper forum, venue, and jurisdiction for the resolution of those allegations raised by the Plaintiff in the aforementioned Complaint.

Dated: January 31, 2008  
Bronx, New York

  
Paul J. Hoaren  
Attorney for Plaintiff  
5505 Nesconset Hwy, Ste. 203  
Mt. Sinai, New York 11766  
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Attorney for Defendant  
984 Morris Park Avenue  
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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GARDEN CITY BOXING CLUB, INC.	)	
	)	<u>ANSWER</u>
Plaintiff,	)	ECF
	)	
-against-	)	Case No. 07-CV-8074 (RJS)
	)	
JOA, INC. d/b/a	)	
DICEY'S and MARY ANNE VICALE	)	
	)	
Defendants.	)	

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**PLEASE TAKE NOTICE**, that the Defendants, JOA, INC. d/b/a DICEY'S and MARY-ANNE VICALE, hereby appear in this proceeding and that the undersigned has been retained as attorney for said Defendants and demands that you serve all papers in this proceeding upon the undersigned at the address stated below.

**PLEASE TAKE FURTHER NOTICE**, that the Defendant hereby interposes the following Answers to the Complaint, herein.

1. Admits the allegations contained in Paragraph: 1, 2, 3, 5, 6, 22, 24, & 29.
2. Denies the allegations contained in Paragraphs: 15, 16, 17, 23, 26, 27, 30, 31, 32, 34, & 35.
3. Denies knowledge or information sufficient to form a belief with regard to the allegations contained in any other Paragraph not aforementioned.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE  
IN BEHALF OF DEFENDANT**

4. That the Plaintiff's Complaint fails to state a cause of action for which relief can be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE  
IN BEHALF OF DEFENDANT**

5. That the Plaintiffs improperly identified Defendant, Mary-Anne Vicale in their complaint.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE  
IN BEHALF OF DEFENDANT**

6. That the Defendant, Mary-Anne Vicale is shielded from liability pursuant to New York BCL.

Dated: Bronx, New York  
February 8, 2008

Yours, etc.,



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Peter J. Piergiovanni, Esq.  
Attorney for the Defendants  
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**PETER J. PIERGIOVANNI**

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February 8, 2008

Honorable Richard J. Sullivan  
U.S. District Court  
500 Pearl Street  
New York, New York

**RE: GARDEN CITY BOXING CLUB, INC.,  
v. JOA, INC., d/b/a DICEY'S  
INDEX NO.: 07-8074 (RJS)**

Dear Judge Sullivan:

This letter is in response to your Order, dated December 10, 2007, which was amended on January 3, 2008.

To wit, the instant matter shall be joined upon the contemporaneous filing of Defendant's Answer, along with this correspondence.

Contrary to the allegations levied in Plaintiff's Complaint, the Defendant's herein, wholly denies displaying the subject boxing match(es) in their establishment. In the alternative, had the match(es) been displayed, it was done without the authority, knowledge, or notice of the owner or managers.

Defendant, Mary-Anne Vicale, will file a motion to dismiss the Complaint as to her, as she is duly shielded from liability pursuant to NY BCL.

Attorneys for the parties have only conducted cursory settlement discussions. I believe that after the motions are decided, the parties may be able to reach to a disposition.

Notwithstanding a consolidation of this matter with any third-party Defendants, I estimate that our trial may be completed in Two (2) weeks.

Very truly yours,

  
Peter J. Piergiovanni, Esq.